

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BRIDGET M. CURRAN, individually, and  
as natural Guardian of C.F.C., a minor.

Civ. Act. No.: 13-cv-00289

Plaintiff,  
-against-

AETNA LIFE INSURANCE COMPANY,  
TRINET GROUP, INC., and THE TRINET  
OPEN ACCESS MANAGED CHOICE PLAN,

**NOTICE OF MOTION**

DOCUMENT  
ELECTRONICALLY FILED

Defendants.

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**PLEASE TAKE NOTICE** that, upon the Declaration of Robert Gallion dated May 7, 2013 and Exhibits "A" thru "C" annexed thereto, the Declaration of Helen Hong dated May 7, 2013 and Exhibit "D" annexed thereto, the Declaration of Michael H. Bernstein dated August 26, 2013 and Exhibit "E" thru "G" annexed thereto, and the accompanying Memorandum of Law, Defendants by their attorneys, Sedgwick LLP, will move this Court, before the Hon. Nelson Stephen Roman, U.S.D.J. at the United States Courthouse, Southern District of New York, located at 300 Quarropas Street, White Plains, NY 10601-4150 at a date and time to be set by this Court, or at any adjourned date and time, for an Order (1) pursuant to FED. R. CIV. P. Rule 12(b)(6) dismissing Plaintiff's Complaint against Defendants; and (2) for such other and further relief as this Court may deem just and proper.

Dated: New York, New York  
August 26, 2013

Respectfully submitted,

s/

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MICHAEL H. BERNSTEIN (MB-0579)

JOHN T. SEYBERT (JS-5014)

RYAN C. CHAPOTEAU (RC-1986)

SEDGWICK LLP

Attorneys for Defendants

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To:

David J. Squirrell  
Banks Curran Schwam and Squirrell, LLP  
*Attorneys for Plaintiff*  
61 Smith Avenue  
Mount Kisco, NY 10549  
(914) 666-2161

**CERTIFICATE OF SERVICE**

I, RYAN C. CHAPOTEAU, hereby certify and affirm that a true and correct copy of the **NOTICE OF MOTION** attached was served via ECF on this 26th day of August, 2013, upon the following:

David J. Squirrell  
Banks Curran Schwam and Squirrell, LLP  
*Attorneys for Plaintiff*  
61 Smith Avenue  
Mount Kisco, NY 10549  
(914) 666-2161

s/  
RYAN C. CHAPOTEAU (RC 1986)

Dated: New York, New York  
August 26, 2013